

REMARKS

This responds to the Office Action dated February 21, 2008.

Claims 1-10 are amended and new claims 11-16 are added; as a result, claims 1-16 are now pending in this application.

Additional Claims

Claims 11 to 16 have been added to more fully claim the invention. These claims add the features of dependent method claims 3 to 8 onto the independent system claim 9.

§ 103 Rejection of the Claims

Claims 1 - 6, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Su (U.S. Patent Application Publication No. 2002/0199190) in view of Barbier, et al. (U.S. Patent Application Publication No. 2004/0060068).

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Su (U.S. Patent Application Publication No. 2002/0199190) in view of Barbier, et al. (U.S. Patent Application Publication No. 2004/0060068), as applied to claim 6, and further in view of Standridge, et al. (U.S. Patent No. 6,618,353).

The Su reference (U.S. Patent Application Publication No. 2002/0199190) discloses a method and apparatus for reformatting of content for display on an interactive television. In the system of the Su reference an H2O server **248** receives a request for a web page from an interactive television system and then proceeds to respond to the request. To create a response, the H2O server **248** accesses all the various individual elements of the requested web page. The H2O server **248** then combines all these elements into a single unified response known as "compiled HTML" that is stored in the compiled object cache **1410**. For example, referring to **Figure 9** in the Su reference, H2O server **248** makes many requests **1620**, **1622**, **1630**, and **1638** in order to obtain all the elements to render a full web age. The results are combined into single OpenTV item **1046** which is then passed back as compiled HTML **1648** to the original requesting interactive television **212**.

Although the system of the present disclosure is in the same general technology area, the presently claimed invention is distinct from the system disclosed in the Su reference. In the

system of the present invention as claimed in amended claim 1, the system uses an “application streamer to create a file directory structure based on said textual data, said file directory structure comprising at least OpenTV data file and at least one graphical data file” and then the claimed system creates “a node tree on a broadcast streamer by mirroring said file directory structure such that each file in said file directory structure becomes a node in said node tree on said broadcast streamer”. Claim 9 contains similar limitations. The node tree created by system claimed in amended claims 1 and 9 differs from the single compiled HTML 1648 disclosed in the Su reference. Specifically, the node tree is comprised of more than one individual nodes that are distinct individual units instead of a single combined unit.

By creating more than one node in a node tree, the system of the presently claimed invention can then multiplex and broadcast the various different nodes in the node tree in different manners. For example, claim 1 further includes “bandwidth allocation software that calculates a bandwidth allocation for each node of said node tree based on a priority of each said node”. One useful example of this cited in the specification is allocating large graphical nodes with a higher priority such that those large graphical nodes will be fully received around the same time that main OpenTV node is received.

Neither the Su reference nor the Barbier, et al. reference (U.S. Patent Application Publication No. 2004/0060068) cited by the examiner includes steps of “using said application streamer to create a file directory structure based on said textual data, said file directory structure comprising at least OpenTV data file and at least one graphical data file;” and “using said application streamer to create a node tree on a broadcast streamer by mirroring said file directory structure such that each file in said file directory structure becomes a node in said node tree on said broadcast streamer;” as required by amended claim 1 in order to create a node tree on the broadcast streamer.

In the Examiner’s Office Action dated February 21, 2008, the Examiner cited paragraph [0026] of the Su reference as teaching “using said application streamer to create a node tree on a broadcast streamer by mirroring said file directory structure;” Claim [0026] states:

[0026] The present invention does not utilize standard Cascading Style Sheets (CSS) as normally utilized with HTML. **The present invention converts the CSS into an HTML element node tree in a lay out engine.** This is advantageous at the client, for example, to determine style locally at each node rather than referring to a CSS to determine the style or color of a node

representing a modified HTML element. The processor in the client has typically limited processing power and thus using the element mode tree, does not have to go to the CSS to determine a style for a node for an HTML element. The client does not have to determine what class a node belongs to determine a node's style. **The present invention computes the root and puts the style, color, etc. with each HTML element node in the node tree. Thus, once at the client, the element node tree enables a client to manipulate down to each node and change the characteristics, for example, color, for a node, if desired.** This is not easily done otherwise, for example, with Microsoft Internet Explorer, determining CSS class structure and attribute is compute intensive and inappropriate for the low processing bandwidth of the typical inexpensive client processor. (Emphasis added)

This section deals with parsing an HTML file and creating a node tree from the parsed HTML file as is well known in the art. The hierarchical design of the HyperText Mark-up Language (HTML) is taken advantage of in many programs, such as this one, by creating a tree structure in memory of the HTML information. This is not the same as creating a file directory structure since no use of the file system at all is disclosed in the above paragraph. And since there is no use of a file directory structure, there certainly cannot be a "using said application streamer to create a node tree on a broadcast streamer by mirroring said file directory structure such that each file in said file directory structure becomes a node in said node tree on said broadcast streamer" as claimed in amended claims 1 and 9.

The Examiner cited the Barbier, et al. reference (U.S. Patent Application Publication No. 2004/0060068) as teaching "The higher priority node, carousel directory 112, is allocated more bandwidth than lower priority nodes" as illustrated in **Figure 3** and paragraph [0044]. However, this teaching cannot be combined with Su reference to create the system claimed in amended claims 1 and 9. As set forth in the preceding paragraphs, the system of the Su reference combines all of the information into a single compiled HTML unit 1648. Since only a single file is created, there is no need to allocated bandwidth between different nodes.

As set forth above, amended independent claims 1 and 9 contain limitations that describe how incoming text and graphical files are first converted and created into a file directory structure. That file directory structure is then mirrored to create a node tree structure with individual data nodes. The individual data nodes can then be transmitted at varying rates according bandwidth allocations. Since neither the Su reference nor the Barbier, et al. reference

teach such limitations, amended claims 1 and 9 are allowable. The remaining dependent claims include all the limitations of the independent claims and are thus likewise allowable.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

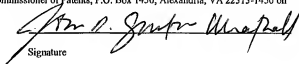
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21 day of May 2008.

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